



St Helens Borough Council

Bullying and Harassment Policy Statement

The Council opposes all forms of unlawful and unfair discrimination and is committed to providing a working environment for all employees that is free from any form of bullying, harassment, and intimidation.

The Council has a legal obligation under the Equality Act 2010 and under the Worker Protection (Amendment to Equality Act 2010) Act 2023 to take reasonable steps to ensure that the following types of harassment do not take place at work:

- Harassment related to the protected characteristics of race, disability, gender, gender reassignment, age, sexual orientation and religion or belief.
- Sexual harassment; and
- Less favourable treatment of an employee because they submit to or reject sexual harassment or harassment related to sex or gender reassignment.

What you can expect as an Employee

Managers will:

- ensure their employees are made aware of the Council's policy statement
- highlight and/or challenge unacceptable behaviour in the workplace
- listen, respond and act appropriately and in a timely manner
- not collude with or condone the harassment or bullying by failing to take action

What we expect as an Employer

We expect you to:

- ensure your conduct does not in any way constitute or contribute to incidents of harassment or bullying and does not cause offence or distress to others.
- where possible, highlight and/or challenge unacceptable behaviour.
- inform appropriate managers of any incidents of harassment or bullying as soon as reasonably possible.
- where possible, assist with any investigation into alleged bullying or harassment.

What is Bullying and Harassment?

Bullying can be defined as misuse of power, persistent, offensive, intimidating, malicious or insulting behaviour, unfair use of sanctions, which make the recipient upset, threatened, humiliated or vulnerable and which undermines self-confidence.

Harassment is conduct related to a relevant protected characteristic, which has the purpose or effect of creating an intimidating hostile, degrading or offensive environment or violating an individual's dignity.

Protected characteristics included age, disability, gender re-assignment, race, religion or belief, sex, sexual orientation, marriage, and civil partnership, and pregnancy and maternity. Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership.

Conduct which is intended to be friendly could also amount to harassment – it is about what the recipient deems to be offensive, not about what was intended. The recipient of the behaviour decides whether it is unwanted. Unwanted conduct does not need to be directed at a person. It can be witnessed or overheard.

It does not matter whether the conduct is acceptable to others or is common in the person's work environment. Harassment should always be considered in terms of the impact it has on an individual. However, it should be considered whether there is an indication of sensitivity on the complainant's part.

Examples of harassment and bullying can be accessed [via this link](#).

Support

Employees who are subject to harassment or bullying at work may experience emotional or psychological reactions to their experiences. Support and/or counselling via Occupational Health may be considered for the employee concerned. Support may also be offered by the employee's Trade Union.

Support for the Respondent – where any complaints of bullying and harassment are not substantiated no record of that complaint or investigation will be maintained on the Respondent's file. The Respondent must be shown a similar degree of sensitivity, protection and discretion as the person making the allegation.

Only in exceptional circumstances should it be necessary to make alternative arrangements for working whilst the investigation is being carried out and advice should be taken from People Management if this is being considered.

Employees have the right to make a complaint without fear of victimisation, subsequent discrimination or disadvantage.

Malicious or vexatious complaints without foundation will not be tolerated and may lead to disciplinary action being taken.

How will complaints of Bullying and Harassment be dealt with?

Complaints of bullying and harassment will be dealt with via the Grievance Procedure. Consideration should be given to which stage of the Grievance Procedure is most appropriate

to deal with the issues raised. Complaints may be resolved informally, although it is recognised that some incidents by their nature, will be dealt with under the formal procedure immediately.

The respondent will be notified of the alleged complaint promptly and support offered as appropriate as outlined above, ideally within ten working days.

Where appropriate and possible the line manager may determine that attempts should be made to resolve the matter by means of conciliation and mediation. This will involve seeking a mutually acceptable outcome. This approach can only succeed if agreed by both parties. Conciliation and mediation can be highly effective as it brings the parties together, ensures recognition of the issue and seeks to avoid polarisation of views as well as identifying an agreed way forward. Your People Management team can provide further advice on this.

If at any point during the grievance process it appears probable that bullying or harassment may have occurred, the grievance will be upheld and the issue may be referred to relevant other procedures, including the disciplinary procedure.

Monitoring Incidents of Harassment

All records of reported incidents of harassment are confidential and as such the detail of such complaints will be maintained in the strictest confidence.

The Council does, however, have a statutory obligation to undertake monitoring in respect of race, gender and disability. Grievances submitted are one of the items that must be monitored under this obligation to ensure that they are free from discriminatory bias in respect of their content and handling.